

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WEST MPETSHI,</b>	:	<b>CIVIL ACTION NO. 1:23-CV-47</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>R. THOMPSON,</b>	:	
	:	
<b>Respondent</b>	:	

**MEMORANDUM**

This is a habeas corpus case filed pursuant to 28 U.S.C. § 2241. Petitioner, West Mpetshi, seeks a writ of habeas corpus compelling the United States Bureau of Prisons (“BOP”) to grant him earned time credits pursuant to the First Step Act. We will dismiss the petition without prejudice as moot.

**I. Factual Background & Procedural History**

Mpetshi is currently incarcerated in the Allenwood Federal Correctional Institution (“FCI-Allenwood”). He filed the instant petition on January 11, 2023. (Doc. 1). Mpetshi asserts the BOP has failed to credit him with earned time credit pursuant to the FSA and seeks a writ of habeas corpus compelling the BOP to provide such credit. (Id.) He subsequently filed motions for summary judgment on January 26, 2023 and February 27, 2023. (Docs. 9, 14).

Respondent responded to the petition on April 11, 2023, arguing that the petition should be dismissed as moot because the BOP credited Mpetshi with earned time credits under the FSA on February 11, 2023. (Doc. 17 at 5-8).

Respondent argues in the alternative that the petition should be dismissed for

failure to exhaust administrative remedies. (Id. at 8-11). Mpetshi filed a reply brief on April 25, 2023, in which he acknowledges that the BOP has granted him earned time credits under the FSA but argues that he should have received 255 days of credit rather than the 240 that the BOP gave him. (Doc. 18). The petition is now ripe for review.

## **II. Discussion**

Respondent's mootness argument is based on the assertion that the BOP has already granted Mpetshi time credits pursuant to the FSA. (Doc. 17 at 5-8).

Mpetshi concedes that he has been granted these time credits. (Doc. 18).

Cases must be dismissed as moot when it is clear that the court cannot grant any effective relief. Uzuegbunam v. Preczewski, 592 U.S. \_\_\_, 141 S. Ct. 792, 796 (2021). Mpetshi's petition seeks a writ of habeas corpus compelling the BOP to provide him with time credits, but he has already been granted that relief. Hence, the petition will be dismissed as moot because the court cannot provide Mpetshi any effective relief. Id.

Mpetshi argues that the court should grant a writ of habeas corpus compelling the BOP to correct its calculation of FSA time credits to 255 days rather than 240 days. (Doc. 18). This argument is without merit because a claim seeking correction of Mpetshi's time credit calculation was not raised in his petition. The petition seeks only calculation and credit of Mpetshi's FSA earned time credits; it does not seek to have the calculation of his earned time credits corrected. (See Doc. 1). In fact, the petition was filed over a month before the calculation of Mpetshi's earned time credits was done, making it impossible for the petition to challenge this

calculation. Moreover, Mpetshi acknowledges that he has not exhausted administrative remedies with respect to this claim, (see Doc. 18 at 2), and exhaustion is required before a petitioner may seek habeas corpus relief under Section 2241. See Callwood v. Enos, 230 F.3d 627, 634 (3d Cir. 2000) (citing Schandelmeier v. Cunningham, 819 F.2d 52, 53 (3d Cir. 1986)); Moscato v. Fed. Bureau of Prisons, 98 F.3d 757, 760 (3d Cir. 1996).

### **III. Conclusion**

We will dismiss the petition for writ of habeas corpus without prejudice as moot. Mpetshi's motions for summary judgment will be denied. An appropriate order shall issue.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania

Dated: July 27, 2023